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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,082	10/22/2003	Richard C. Fickle	7593P004	8304

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EXAMINER	
EKPO, NNENNA NGOZI	
ART UNIT	**PAPER NUMBER**
2425	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,082	FICKLE ET AL.	
	Examiner	Art Unit	
	NNENNA N. EKPO	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on August 19, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2421 for Brian T. Pendleton

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory 'process" under 35 U.S.C. 101 must (1) be tied to another

statutory category (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 11"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 7,107,606) in view of Dyer et al. (U.S. Patent No. 6,305,019).

Regarding **claim 1**, Lee discloses a method comprising:

assigning a unique process identification number (PID) to a frequency band used by each of a plurality of multimedia content providers (see col. 4, lines 37-53, col. 7, lines 21-35);

simultaneously receiving a plurality of data segments from the plurality of multimedia content providers (see fig. 5);

reconstructing a multimedia asset package transmitted by the multimedia content provider by compiling the plurality of data segments that constitute the multimedia asset package (see col. 6, lines 42-60); and

providing the multimedia asset package to a video-on-demand server that transmits at least a portion of the multimedia asset package to an end user (see col. 7, lines 13-35 and fig. 5).

However, Lee is silent as to wherein the data segments are tracked using the PID assigned to the frequency band used by each multimedia content provider.

In an analogous art, Dyer et al. discloses wherein the data segments are tracked using the PID assigned to the frequency band used by each multimedia content provider (see col. 9, lines 48-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Lee to include data segments are tracked using the PID assigned to the frequency band used by each multimedia content provider as taught by Dyer et al. for the advantage of monitoring the content that was transmitted.

Regarding **claim 13**, Lee discloses a method comprising:

assigning a unique process identification number (PID) to each of a plurality of frequency bands used by a plurality of multimedia content providers (see col. 4, lines 37-53, col. 7, lines 21-35);

receiving a plurality of multimedia data segments from the plurality of multimedia content providers, wherein the multimedia data segments are received simultaneously (see fig. 5), and the plurality of multimedia data segments form a complete multimedia asset package (see fig. 4);

forming the complete multimedia asset package using the plurality of multimedia data segments (see fig. 4);

validating the complete multimedia asset to confirm successful receipt of the complete multimedia asset (see col. 8, lines 46-55); and

providing each complete multimedia asset package to a video-on-demand server that transmits multimedia assets to end users (see col. 7, lines 13-35 and fig. 5).

However, Lee is silent as to the multimedia data segments are tracked using the PIDs.

In an analogous art, Dyer et al. discloses the multimedia data segments are tracked using the PIDs (see col. 9, lines 48-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Lee to include the multimedia data segments are tracked using the PIDs as taught by Dyer et al. for the advantage of monitoring the content that was transmitted.

Regarding **claim 22**, Lee discloses a multimedia catcher receiver, comprising:

a multimedia network interface unit to simultaneously receive a plurality of multimedia data segments sent from a plurality of multimedia content providers and to provide the multimedia data segments (see fig. 5);

a receive unit coupled to the multimedia network interface unit to reconstruct a complete multimedia asset package from the plurality of multimedia data segments provided by the multimedia network interface unit (see col. 6, lines 42-60), and to validate the complete multimedia asset package (see col. 8, lines 46-55); and

a content management system to receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server (see fig. 5);

wherein each frequency band used by a multimedia content provider is assigned a unique process identification number (PID) (see col. 4, lines 37-53, col. 7, lines 21-35).

However, Lee is silent on the multimedia asset packages are tracked using at least the PID assigned to the frequency band used by the multimedia content provider.

In an analogous art, Dyer et al. discloses the multimedia asset packages are tracked using at least the PID assigned to the frequency band used by the multimedia content provider (see col. 9, lines 48-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Lee to include the multimedia asset packages are tracked using at least the PID assigned to the frequency

band used by the multimedia content provider as taught by Dyer et al. for the advantage of monitoring the content that was transmitted.

Regarding **claims 2 and 14**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 1 and 13*). Lee discloses the method wherein simultaneously receiving the plurality of data segments comprises receiving at least three data segments simultaneously from different multimedia content providers (see col. 13, lines 65-col. 14, lines 11).

Regarding **claims 3 and 15**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 1 and 13*). Lee discloses the method wherein simultaneously receiving the plurality of data segments comprises simultaneously receiving the plurality of data segments on different frequency bands (see col. 13, lines 65-col. 14, lines 11 and fig. 4).

Regarding **claim 4**, **16 and 23**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 1, 13 and 22*). Dyer et al. discloses the method wherein simultaneously receiving the plurality of data segments comprises receiving data segments from each multimedia content provider using a separate data receiver card for each frequency band used by each content provider (see col. 16, lines 1-15).

Regarding **claims 5 and 17**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 1 and 13*). Dyer et al. discloses the method further comprising:

providing a backchannel connection to each multimedia content provider to enable the multimedia content provider to track the receipt of data segments transmitted by the multimedia content provider (see abstract).

Regarding **claim 6 and 26**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 5 and 22*). Dyer et al. discloses the method further comprising:

providing acknowledgements of receipt of a multimedia asset package to the multimedia content provider using the backchannel connection (see col. 11, lines 14-35).

Regarding **claims 7, 18 and 27**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 5, 17 and 26*). Lee discloses the method wherein the backchannel connection is a network connection chosen from the group consisting of an internet connection (see col. 3, lines 54-col. 4, line 36, col. 8, lines 32-55), a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection.

Regarding **claim 8**, Lee and Dyer et al. discloses everything claimed as applied above (*see claim 1*). Lee discloses the method wherein reconstructing the multimedia asset package comprises:

validating the multimedia asset package to confirm successful receipt of the multimedia asset package (see col. 8, lines 46-55).

Regarding **claims 9 and 19**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 8 and 13*). Lee discloses the method wherein validating the multimedia asset package comprises:

receiving metadata that accompanies the data segments of the multimedia asset package (see col. 13, lines 46-64); and

analyzing the metadata to determine whether the complete multimedia asset package is received (see col. 8, lines 1-16, col. 13, lines 46-64).

Regarding **claims 10 and 20**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 8 and 13*). Lee discloses the method wherein validating the multimedia asset package occurs before providing the multimedia asset package to the video-on-demand server (see col. 7, lines 13-35).

Regarding **claims 11 and 21**, Lee and Dyer et al. discloses everything claimed as applied above (*see claims 1 and 13*). Lee discloses the method of claim 1 further comprising:

receiving a request for a movie file from the multimedia asset package from the end user (see col. 3, lines 45-col. 4, lines 15);

comparing metadata associated with the multimedia asset package with validation logic and business rules restricting use of the movie file (see col. 4, lines 16-col. 5, line 7 and fig. 2); and

providing the movie file to the end user if the metadata complies with the validation logic and business rules (see col. 4, lines 16-col. 5, line 7 and fig. 2).

Regarding **claim 12**, Lee and Dyer et al. discloses everything claimed as applied above (*see claim 1*). Lee discloses the method further comprising:

enabling a user to determine an order in which multimedia asset packages, including the multimedia asset package, are provided to the video-on-demand server (see col. 5, lines 25-37).

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 7,107,606) and Dyer et al. (U.S. Patent No. 6,305,019) as applied to *claim 22* above, and further in view of Pinder (U.S. Patent No. 7,065,213).

Regarding **claim 24**, Lee and Dyer et al. discloses everything claimed as applied above (*see claim 22*). However, Lee and Dyer et al. are silent as to wherein the multimedia network interface unit comprises a plurality of data receiver cards configured to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions.

Pinder discloses wherein the multimedia network interface unit comprises a plurality of data receiver cards configured to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions (see col. 5, lines 31-43 and fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Lee and Dyer et al. to include wherein the multimedia network interface unit comprises a plurality of data receiver cards configured to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions as taught by Pinder for the advantage of receiving multiple content signals from content providers.

Regarding **claim 25**, Lee, Dyer et al. and Pinder discloses everything claimed as applied above (*see claim 22*). Pinder discloses the multimedia catcher receiver wherein the network interface card comprises an ethernet card (see col. 17, lines 61-col. 18, line 5).

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 7,107,606) and Dyer et al. (U.S. Patent No. 6,305,019) as applied to *claim 22* above, and further in view of Ellis (U.S. Publication No. 2004/0226042).

Regarding **claim 28**, Lee and Dyer et al. discloses everything claimed as applied above (*see claim 22*). However, Lee and Dyer et al. fail to specifically disclose an asset

receive unit coupled to the receive unit and to the content management system, and capable of processing multimedia asset packages from the receive unit and multimedia asset packages received from a local source.

Ellis discloses an asset receive unit coupled to the receive unit and to the content management system, and capable of processing multimedia asset packages from the receive unit and multimedia asset packages received from a local source (see paragraphs 0038-0039 and fig. 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Lee and Dyer et al. to include an asset receive unit coupled to the receive unit and to the content management system, and capable of processing multimedia asset packages from the receive unit and multimedia asset packages received from a local source as taught by Ellis for the advantage of being able to receive content signals from content providers/local source.

Regarding **claim 29**, Lee, Dyer et al. and Ellis discloses everything claimed as applied above (*see claim 28*). Ellis discloses wherein the asset receive unit comprises at least one data input unit taken from the group consisting of a digital versatile disk (DVD)-based drive and a file transfer protocol (FTP) server interface (see paragraph 0038 and fig. 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner
December 1, 2009.

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2421